

United States District Court
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

BENNY POWELL,
Plaintiff,

V.

MICHAEL J. ASTRUE,
*Commissioner of the Social
Security Administration,*
Defendant.

)
)
)
)
)
)
)
)
)

JUDGMENT IN A CIVIL CASE
CASE NO. 5:09-CV-290-D

Decision by the Court:

IT IS ORDERED AND ADJUDGED that the court is satisfied that there is no clear error on the face of the record. Plaintiffs motion for judgment on the pleadings is **GRANTED**, defendant's motion for judgment on the pleadings is **DENIED**, and the action is **REMANDED** to the Commissioner as set forth in the Memorandum and Recommendations.

THE ABOVE JUDGMENT WAS ENTERED TODAY, **AUGUST 5, 2010** WITH A COPY TO:

Jonathan Blair Biser (via CM/ECF Notice of Electronic Filing)

Mary Ellen Russell (via CM/ECF Notice of Electronic Filing)

August 5, 2010
Date

DENNIS P. IAVARONE, Clerk
Eastern District of North Carolina

/s/Debby Sawyer
(By) Deputy Clerk

Raleigh, North Carolina